

1 JOHN T. AFFELDT (SBN 154430)  
2 TARA KINI (SBN 239093)  
3 PUBLIC ADVOCATES, INC.  
4 131 Steuart Street, Suite 300  
5 San Francisco, California 94105  
6 Tel. (415) 431-7430; Fax (415) 431-1048  
7 Email: jaffeldt@publicadvocates.org

8  
9 Attorneys for PLAINTIFFS  
10 (Additional attorneys listed on following page)

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 SONYA RENEE; CANDICE JOHNSON, a minor, by  
16 Sonya Renee, her guardian ad litem; MARIBEL  
17 HEREDIA; JOSE ALDANA, a minor, by Maribel  
18 Heredia, his guardian ad litem; B. DOE, a minor, by N.  
19 Doe, her guardian ad litem; MARIEL RUBIO;  
20 DANIELLE RUBIO, a minor, by Mariel Rubio, her  
21 guardian ad litem; STEPHANIE RUBIO, a minor, by  
22 Mariel Rubio, her guardian ad litem; GUADALUPE  
23 GONZALEZ; DAISY GONZALEZ, a minor, by  
Guadalupe Gonzalez, her guardian ad litem; JAZMINE  
JOHNSON, a minor, by Deanna Bolden, her guardian ad  
item; ADRIANA RAMIREZ, a minor, by Arcelia  
Trinidad Ramirez, her guardian ad litem; JANE DOE, a  
minor, by John Doe, her guardian ad litem;  
CALIFORNIANS FOR JUSTICE EDUCATION FUND;  
CALIFORNIA ASSOCIATION OF COMMUNITY  
ORGANIZATIONS FOR REFORM NOW,

24 Case No. 07-4299-PJH

25 NOTICE OF APPEAL

26 Plaintiffs,

27 v.

28 MARGARET SPELLINGS, in her official capacity;  
UNITED STATES DEPARTMENT OF EDUCATION,

Defendants.

FILED  
08 JUL 18 PM 2:12  
RICHARD W. WIEKEMAN  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 JEFFREY SIMES (NY SRN 2813533), appearing *pro hac vice*  
2 GOODWIN PROCTER LLP  
3 599 Lexington Avenue  
4 New York, New York 10022  
5 Tel: (212) 813-8879  
6 Fax: (212) 355-3333  
7 Email: jsimes@goodwinprocter.com

8  
9 PATRICK THOMPSON (SBN 160804)  
10 ELIZABETH F. STONE (SBN 239285)  
11 GOODWIN PROCTER LLP  
12 101 California Street # 1850  
13 San Francisco, California 94111  
14 Tel: (415) 733-6000  
15 Fax: (415) 677-9041  
16 Email: pthompson@goodwinprocter.com

17 DAVID B. COOK (DC BN 113522), appearing *pro hac vice*  
18 GOODWIN PROCTER LLP  
19 901 New York Avenue, N.W.  
20 Washington, D.C. 20001  
21 Tel: (202) 346-4000  
22 Fax: (202) 346-4444  
23 Email: dcook@goodwinprocter.com

24 Attorneys for PLAINTIFFS

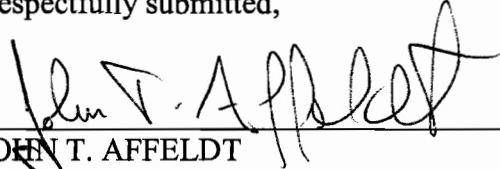
1 Notice is hereby given that all Plaintiffs, as set forth above, in the above named case hereby  
2 appeal to the United States Court of Appeals for the Ninth Circuit from the District Court's final  
3 judgment in this action, dated July 2, 2008, and its opinion and order granting Defendants' Cross-  
4 Motion for Summary Judgment and denying Plaintiffs' Motion for Summary Judgment, dated June 17,  
5 2008.

6

7

8 Dated: July 18, 2008

Respectfully submitted,

9   
10 JOHN T. AFFELDT  
11 TARA KINI  
12 PUBLIC ADVOCATES, INC.

13 JEFFREY SIMES  
14 PATRICK THOMPSON  
15 DAVID B. COOK  
16 ELIZABETH F. STONE  
17 GOODWIN PROCTER LLP

18 Attorneys for Plaintiffs

1  
2  
**REPRESENTATION STATEMENT**  
**FRAP 12(b); Circuit Rule 3-2**

3 The above-captioned plaintiffs in this action are represented by:

4 JOHN T. AFFELDT  
5 TARA KINI  
6 PUBLIC ADVOCATES, INC.  
7 131 Steuart Street, Suite 300  
8 San Francisco, California 94105  
9 Tel. (415) 431-7430  
Fax (415) 431-1048  
Email: [jaffeldt@publicadvocates.org](mailto:jaffeldt@publicadvocates.org)  
[tkini@publicadvocates.org](mailto:tkini@publicadvocates.org)

10 JEFFREY SIMES  
11 GOODWIN PROCTER LLP  
12 599 Lexington Avenue  
13 New York, New York 10022  
Tel: (212) 813-8879  
Fax: (212) 355-3333  
Email: [jsimes@goodwinprocter.com](mailto:jsimes@goodwinprocter.com)

15 PATRICK THOMPSON  
16 ELIZABETH F. STONE  
17 GOODWIN PROCTER LLP  
18 101 California Street # 1850  
San Francisco, California 94111  
Tel: (415) 733-6000  
Fax: (415) 677-9041  
Email: [pthompson@goodwinprocter.com](mailto:pthompson@goodwinprocter.com)

20 DAVID B. COOK  
21 GOODWIN PROCTER LLP  
22 901 New York Avenue, N.W.  
Washington, D.C. 20001  
Tel: (202) 346-4000  
Fax: (202) 346-4444  
Email: [dcook@goodwinprocter.com](mailto:dcook@goodwinprocter.com)

1 Defendants Margaret Spellings and the United States Department of Education are represented by:  
2

3           JEFFREY S. BUCHOLTZ  
4           Acting Assistant Attorney General  
5           JOSEPH P. RUSSONIELLO  
6           United States Attorney  
7           SHEILA M. LIEBER  
8           Assistant Branch Director  
9           MICHAEL Q. HYDE  
10          Trial Attorney  
11          Civil Division, Federal Programs Branch  
12          United States Department of Justice  
13          20 Massachusetts Ave., N.W., Room 7132  
14          P.O. Box 883  
15          Washington, D.C. 20044  
16          Tel. (202) 514-2205  
17          Fax (202) 616-8470  
18          Email: michael.hyde@usdoj.gov  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## **PROOF OF SERVICE**

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City and County of San Francisco, California; my business address is Goodwin Procter LLP, Three Embarcadero Center, 24<sup>th</sup> Floor, California 94111.

On the date below I served the following documents described as:

1. NOTICE OF APPEAL; and
  2. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CIVIL  
ALS DOCKETING STATEMENT (with Attachments).

[ ] U.S. MAIL I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day in the ordinary course of business.

[ x ]    OVERNIGHT COURIER SERVICE: I caused such documents[s] to be delivered by FEDERAL EXPRESS for delivery the following business day.

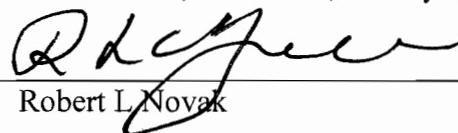
[ ]     FACSIMILE TRANSMISSION: I caused such document[s] to be sent by facsimile transmission to the above-listed fax number for the party(ies) indicated.

on the interested parties in this action by placing a true and correct copy thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Goodwin Procter LLP, as follows:

Michael Q. Hyde  
Trial Attorney  
Civil Division, Federal Programs Branch  
United States Department of Justice  
20 Massachusetts Ave., N.W., Room 7132  
P.O. Box 883  
Washington DC 20044  
Tel: 202.514.2205  
Fax: 202.616.8470

I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in San Francisco, California in sealed envelopes with postage fully prepaid.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing  
2 is true and correct. This declaration is executed in San Francisco, California, on July 18, 2008.

3   
4 Robert L Novak

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Court Name: U.S. District Court, NDCA  
Division: 3  
Receipt Number: 34611021441  
Cashier ID: almacelh  
Transaction Date: 07/18/2008  
Payer Name: Specialized Legal Services,

---

NOTICE OF APPEAL/DOCKETING FEE  
For: S A RENEE  
Case/Party: D-CAN-3-07-CV-004299-001  
Amount: \$455.00

---

CHECK  
Check/Money Order Num: 31505  
Amt Tendered: \$455.00

Total Due: \$455.00  
Total Tendered: \$455.00  
Change Amt: \$0.00

PJH

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.